

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council Of Howard County, Maryland

2008 Legislative Session

Legislative Day No. **5**

Bill No. 39-2008

Introduced by: The Chairperson at the request of the County Executive

AN ACT amending the Adequate Public Facilities Ordinance to ~~expand~~ change the eligibility for Route 1 revitalization allocations; to amend the number of units that may be granted to a given project; to provide for the advancement of certain Route 1 revitalization allocations under certain conditions; and generally related to Howard County's Adequate Public Facilities Ordinance.

Introduced and read first time _____, 2008. Ordered posted and hearing scheduled.

By order _____
Sheila M. Tolliver, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2008.

By order _____
Sheila M. Tolliver, Administrator

This Bill was read the third time on _____, 2008 and Passed ____, Passed with amendments ____, Failed ____.

By order _____
Sheila M. Tolliver, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ____ day of _____, 2008 at ____ a.m./p.m.

By order _____
Sheila M. Tolliver, Administrator

Approved/Vetoed by the County Executive _____, 2008

Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that
2 paragraph (5) of subsection (b) of Section 16.1102 “Housing unit allocation concept;
3 housing unit allocation chart” is amended; subsection (c) is amended and new subsection
4 (h) is added, all of Section 16.1104 “Housing unit allocation process”; all of Subtitle 11
5 “Adequate Public Facilities” of Title 16 “Planning, Zoning and Subdivisions and Land
6 Development Regulations” of the Howard County Code to read as follows:

7
8 **Title 16. Planning, Zoning and Subdivisions and Land Development Regulations.**

9 **Subtitle 11. Adequate Public Facilities.**

10
11 **Section 16.1102. Housing unit allocation concept; housing unit allocation chart.**

12 (b) *Housing Unit Allocation Chart:*

- 13 (5) *ROUTE 1 Revitalization allocations:* To encourage revitalization along the
14 US Route 1 Corridor, the number of housing unit allocations shall be
15 increased by 250 additional allocations each year, beginning in fiscal year
16 2004. The ROUTE 1 revitalization housing unit allocations are to be used
17 solely for revitalization purposes in ~~SINGLE FAMILY ATTACHED~~
18 ~~DEVELOPMENTS, MULTI-FAMILY DEVELOPMENTS, OR~~ multi-use
19 developments that include residential and office or retail uses. Only
20 projects east of US Interstate 95 [[located in the Elkridge or Southeast
21 regions]] shall be eligible to receive ROUTE 1 revitalization allocations. No
22 more than [[60]] 50 percent of the allocations shall be granted TO A SINGLE
23 PROJECT [[in a given region per year]]. A project or development utilizing
24 ROUTE 1 revitalization allocations must also satisfy the remaining
25 applicable provisions of ~~this subtitle.~~ THE ADEQUATE PUBLIC FACILITIES
26 ORDINANCE, INCLUDING THE OPEN/CLOSED SCHOOLS TEST AND THE
27 ADEQUATE ROAD FACILITIES TEST.

28
29 **Section 16.1104. Housing unit allocation process.**

1 (c) *Year of Allocation; Category of Allocation:* EXCEPT AS PROVIDED IN SUBSECTION (H)
2 OF THIS SECTION THE, [[The]] Department of Planning and Zoning shall grant housing
3 unit allocations from the housing unit allocation chart as follows:

- 4 (1) *Unphased projects:* Unphased projects shall be granted housing unit
5 allocations for the scheduled completion years of the project.
- 6 (2) *Phased projects:* Phased projects shall be granted housing unit allocations
7 for the scheduled completion years of each phase of the project.
- 8 (3) *Comprehensive projects:* Comprehensive projects shall receive allocations
9 for the scheduled completion year of the project or phases of the project.

10 (H) *ADVANCING OF ROUTE 1 REVITALIZATION ALLOCATIONS.* PROVIDED THAT THE TOTAL
11 NUMBER OF ROUTE 1 REVITALIZATION ALLOCATIONS ADVANCED INTO ANY GIVEN YEAR
12 SHALL NOT EXCEED 250 ALLOCATIONS AND THE PROJECT IS LOCATED OUTSIDE OF THE
13 PORTION OF THE ELKRIDGE REGION THAT IS BORDERED TO THE NORTHWEST BY
14 INTERSTATE 95 AND SOUTHWEST BY AN UNNAMED TRIBUTARY OF DEEP RUN LOCATED AT
15 THE HOWARD COUNTY/ANNE ARUNDEL COUNTY LINE, APPROXIMATELY 100 FT.
16 SOUTHWEST OF HANOVER ROAD, THE DEPARTMENT OF PLANNING AND ZONING MAY
17 ADVANCE ROUTE 1 REVITALIZATION ALLOCATIONS AS FOLLOWS:

- 18 (1) A PROJECT THAT IS ELIGIBLE FOR ROUTE 1 REVITALIZATION ALLOCATIONS
19 MAY RECEIVE UP TO 125 ALLOCATIONS PER YEAR FROM FUTURE
20 ALLOCATION YEARS FOR THE ROUTE 1 REVITALIZATION ALLOCATION
21 REGION.
- 22 (2) A PROJECT IS NOT ELIGIBLE FOR ADVANCED ROUTE 1 REVITALIZATION
23 ALLOCATIONS IF IT HAS MORE THAN A TOTAL OF 150 ALLOCATIONS IN THE
24 YEAR TO WHICH ALLOCATIONS ARE TO BE ADVANCED, REGARDLESS OF
25 WHETHER THE ALLOCATIONS FOR THE YEAR ARE ADVANCED OR CURRENT
26 OR MADE UP OF A COMBINATION OF ALLOCATION TYPES.
- 27 (3) IF ROUTE 1 REVITALIZATION ALLOCATIONS ARE NOT AVAILABLE IN THE
28 CURRENT YEAR THE DEPARTMENT OF PLANNING AND ZONING SHALL
29 PROCESS THE PROJECT AS IF ROUTE 1 REVITALIZATION ALLOCATIONS WERE
30 GRANTED. HOWEVER, THE DEPARTMENT OF PLANNING AND ZONING SHALL

CARRY THE PROJECT ON THE LIST OF PROJECT APPLICATIONS WAITING FOR
ROUTE 1 REVITALIZATION ALLOCATIONS.

(4) WHEN ROUTE 1 REVITALIZATION ALLOCATIONS BECOME AVAILABLE TO
SERVE THE PROJECT, THE DIRECTOR OF PLANNING AND ZONING SHALL
ASSIGN ROUTE 1 REVITALIZATION ALLOCATIONS TO THE PROJECT. IN
CALCULATING THE ROLLING AVERAGE, THE PROJECT SHALL NOT BE EXEMPT
AND ITS ALLOCATIONS SHALL BE INCLUDED IN THE YEAR IN WHICH THEY
BECOME AVAILABLE AND ARE ASSIGNED.

(5) A DEVELOPMENT USING ADVANCED ROUTE 1 REVITALIZATION
ALLOCATIONS UNDER THIS SUBSECTION SHALL SATISFY THE REMAINING
APPLICABLE PROVISIONS OF ~~THIS SUBTITLE.~~ THE ADEQUATE PUBLIC
FACILITIES ORDINANCE, INCLUDING THE OPEN/CLOSED SCHOOLS TEST AND
THE ADEQUATE ROAD FACILITIES TEST.

“(I) *ADVANCING OF ROUTE 1 ALLOCATIONS, ROUTE 1 PUBLIC FACILITY CONTRIBUTION.*
ANY DEVELOPER ELECTING TO UTILIZE ADVANCED ROUTE 1 ALLOCATIONS SHALL
CONTRIBUTE REAL PROPERTY FOR PUBLIC FACILITIES SERVING THE PORTION OF ROUTE 1
CORRIDOR IN WHICH ADVANCED ALLOCATIONS ARE PERMITTED, INCLUDING BUT NOT
LIMITED TO SCHOOLS, LIBRARIES, FIRE STATIONS AND COMMUNITY CENTERS.

CONTRIBUTIONS OF REAL PROPERTY OF REAL PROPERTY SHALL:

(1) BE SUITABLE FOR THE CONSTRUCTION OF PUBLIC AMENITIES IN THE
ROUTE 1 CORRIDOR; AND

(2) BE ACCEPTABLE TO HOWARD COUNTY GOVERNMENT OR THE BOARD OF
EDUCATION OF HOWARD COUNTY FOR A PUBLIC FACILITY NEEDED BY
THE COMMUNITY; AND

~~(2 3)~~ CONSTITUTE REAL PROPERTY THAT IS NOT ALREADY REQUIRED TO BE
DEDICATED TO THE COUNTY PURSUANT TO TITLE 16, SUBTITLE 1 OF THE
HOWARD COUNTY CODE.

- 1 ***Section 2. And Be It Further Enacted*** *by the County Council of Howard County,*
- 2 *Maryland, that this Act shall become effective 61 days after its enactment.*